

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 36503 of 1998

Between:

Bathula Sathaiah S/o.Venkataiah, aged about 33 years, E.C.No. 4058576,
Worked as E.P.Operator, Exc.Gr.D OCP.III, Rg., Singareni Collieries
Co.Ltd. Godavarikhani, Karimnagar Dist.

..... PETITIONER

AND

- 1 The General Manager Rg, Area-III,
Singareni Collieries Co.Ltd., Godavarikhani, Karimnagar Dist
- 2 The Superintendent of Mines OCP.III, Rg.,
Singareni Collieries Co.Ltd., Godavarikhani, Karimnagar Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order, or direction, especially one in the nature of writ of mandamus: i) declaring the office order No.P.RG.III/29A/1774, Dt.21/09/1998 issued by the General manager, Rg.Area-III, Singareni Collieries Co.Ltd., Godavarikhani, as illegal and arbitrary and set aside the same, ii) Direct the respondent reinstate the petitioner into service duly granting all other consequential benefits.

Counsel for the Petitioner: MR.K.VASUDEVA REDDY

Counsel for the Respondent Nos.1 & 2: MR. K. SRINIVASA MURTHY

The Court made the following:

Oral order:-

This writ petition is filed seeking a Writ of Mandamus declaring the Office Order No. P.RG.III/29A/1774 dated 21-09-1998 issued by the General Manager, Rg. Area-III Singareni Collieries Company Limited, Godavarikhani as arbitrary and illegal and set aside the same; and also direct the respondents to reinstate the petitioner into service with all consequential benefits.

The petitioner was appointed as E.P. Operator and was sent for training. After successful completion of the training, he was appointed as a regular E.P. Operator vide order dated 27-01-1997. Thereafter, his services were confirmed in the said post on 19-03-1997. While so, a charge sheet was issued on 27-10-1997 alleging that the petitioner furnished false information regarding his caste and obtained employment. The petitioner submitted his explanation on 07-12-1997. However, having not satisfied with the explanation, a detailed inquiry was conducted.

The complaint of the petitioner is that the inquiry officer had prejudged the issue and proceeded with preconceived notion against the petitioner and he was not afforded reasonable opportunity during the domestic inquiry. The inquiry was conducted violating the principles of natural justice. The whole charge sheet was based on the report of the Mandal Revenue Officer, Srirampur and the same was not supplied to the petitioner before or during the course of domestic inquiry. Further, all the relevant documents were also not furnished before proceeding with the inquiry. The Mandal Revenue Officer was not examined before the inquiry officer to confirm the contents of letter dated 31-08-1997. Further, on 24-06-1997 the petitioner was instructed to submit a caste certificate in original. As such, he obtained a caste certificate bearing No.C/416/97 from the Mandal Revenue Officer, Malharao Mandal, to which mandal he actually belongs to and submitted the same before the inquiry officer. Subsequently, the said certificate was also referred for further verification to the concerned Mandal Revenue Officer. The Mandal Revenue Officer, vide his letter No. C/304/97 dated – nil--February, 1998 confirmed the fact that the certificate submitted by the petitioner was a 'genuine' one and petitioner belongs to 'Nayakapu

caste' which falls under Scheduled Tribe category. The petitioner stated that he also pleaded before the inquiry officer that his school transfer certificate and other certificates show that he belongs to 'Nayakapu' caste and he has also explained the circumstances under which he obtained the certificate initially from Mandal Revenue Officer, Srirampur mandal, but all those things were not taken into consideration. Further, during the course of inquiry, the Mandal Revenue Officer, Malharao mandal wrote a letter to the Vigilance Officer, Singareni Collieries, Kothagudem stating that the certificate issued in favour of the petitioner i.e., No.C/416/97 showing 'Nayakapodu caste' was a 'genuine' one. Though the inquiry officer refers to this letter in his inquiry, but did not discuss as to the contents of the said letter and he did not take the same into consideration.

Be that as it may, it is a fact that the contents of the report of Mandal Revenue Officer, Srirampur dated 31-08-1997 addressed to the Vigilance Officer, Singareni Collieries, Kothagudem, was not made known to the petitioner and he was not furnished with a copy of the same. When he was asked to produce a caste certificate, he produced the same by giving explanation that in fact he belongs to Malharao mandal and therefore, he obtained a certificate from the Mandal Revenue Officer, Malharao mandal, which was inquired into by the Mandal Revenue Officer, on a reference made by the vigilance department of the company and even that such report was not taken into consideration and the petitioner's services were terminated by the impugned proceedings dated 21-09-1998. It is also seen that the school transfer certificate etc., also show that the petitioner belongs to 'Nayakapu community'. In the teeth of report of Mandal Revenue Officer, Malhar Rao mandal in his file No.C/304/97 dated nil, February, 1998, the petitioner's explanation ought to have been accepted and ought to have been considered by the department. Since the report of the Mandal Revenue Officer, Malhar Rao mandal saying that the petitioner belongs to Nayakapu caste was not properly considered, the inquiry conducted and the impugned order passed by the respondents are held to be violative of principles of natural justice and liable to be set aside. Accordingly, the impugned order is set aside.

Further, the respondents are directed to inquire into the matter as to the social status of the petitioner afresh and pass appropriate orders, as per law, after giving opportunity and notice to the petitioner and also on furnishing of documents, which are relied upon by the management. The inquiry shall be completed within a period

of three (3) months from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No costs.

C.V. RAMULU, J

Dt. 14-10-2004

Pvks/*

Nb:- Office to furnish c.c. in one week.

B/o pvks/*

To

- 1 The General Manager Rg, Area-III,
Singareni Collieries Co.Ltd., Godavarikhani, Karimnagar Dist
- 2 The Superintendent of Mines OCP.III, Rg.,
Singareni Collieries Co.Ltd., Godavarikhani, Karimnagar Dist.

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